

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS INDEMNITY COMPANY,
TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, formerly known as
TRAVELERS INDEMNITY COMPANY OF
RHODE ISLAND, TRAVELERS CASUALTY AND
SURETY COMPANY, formerly known as
THE AETNA CASUALTY AND SURETY
COMPANY, AND TRAVELERS PROPERTY
CASUALTY COMPANY OF AMERICA,
formerly known as TRAVELERS INDEMNITY
COMPANY OF ILLINOIS,

Plaintiffs,

v.

NORTHROP GRUMMAN CORPORATION,
NORTHROP GRUMMAN SYSTEMS
CORPORATION,

Defendants,

and

CENTURY INDEMNITY COMPANY, eventual
successor in interest to INSURANCE COMPANY
OF NORTH AMERICA,

Nominal Defendant.

12-CV-03040 (KBF)(FM)

**NOTICE OF MOTION
BY DEFENDANT AND
COUNTERCLAIM/CROSSCLAIM-
PLAINTIFF NORTHROP
GRUMMAN SYSTEMS
CORPORATION
FOR PARTIAL SUMMARY
JUDGMENT ON CENTURY'S AND
TRAVELERS' DUTY TO DEFEND
THE TOWN OF OYSTER BAY
ACTION**

ECF CASE

PLEASE TAKE NOTICE that Defendant and Counterclaim/Crossclaim-Plaintiff Northrop Grumman Systems Corporation (“NGSC”), upon the accompanying Declaration of John F. Scanlon and the exhibits thereto; the accompanying Memorandum of Law; and the accompanying Statement Pursuant to Local Civil Rule 56.1, all dated January 4, 2013, will move this Court, before The Honorable Katherine B. Forrest, United States District Judge, at the

Daniel Patrick Moynihan United States United States Courthouse, Courtroom 15A, 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an Order:

- (1) granting partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure in favor of NGSC and against Plaintiff and Counterclaim-Defendant The Travelers Indemnity Company (“Travelers”) and Nominal Defendant and Crossclaim-Defendant Century Indemnity Company (“Century”) on NGSC’s “First Cause of Action - Declaratory Relief as to Duty to Defend” in its Counterclaim and Crossclaim;
- (2) declaring that Travelers and Century each has an independent obligation to defend NGSC in the action filed by the Town of Oyster Bay, New York in *Town of Oyster Bay v. Northrop Grumman Systems Corporation, et al.*, Case No. 05-CV-1945 (E.D.N.Y.); and
- (3) granting such other and further relief as the Court may deem just and proper.

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Attorneys for Northrop Grumman Systems Corporation

Dated: January 4, 2013